



# What is a disability?

... and is that the right question to ask?

**A**s Ontario businesses approach the January 1, 2012 deadline for the Customer Service Standard, the first accessibility standard under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA), it may be useful to pause and ask “who is an Ontarian with a disability?” At first glance, this may seem like a simple question. Asked to define “disability”, most people will likely think of conditions that involve sight, hearing or mobility. But the real answer is that defining disability is much more complex and nuanced.

In a publication from Statistics Canada’s Living with Disability series called *Defining Disability in the Participation and Activity Limitation Survey*, authors Andrew MacKenzie, Matt Hurst and Susan Crompton state that “Defining disability is a difficult task. A multitude of perceptions surrounds the question of what constitutes a disability and a disability to one person can be a typical part of life to the next. To confuse the issue further, perceptions of disability are

fluid and ever-changing as society evolves and the sources of information about disability continue to change.”

## **Defining Disability: The Historical Context**

In a brief sketching of the historical context for discussing disability, the authors of *Defining Disability in the Participation and Activity Limitation Survey* point out that disability was at one time viewed strictly in medical terms that focused on “deficiencies, ailments or inabilities”. However, in 1965, author Saad Nagi introduced a new way of looking at the subject, which was eventually developed into a framework for thinking about disability that would be named the “social model”. Nagi showed that any physical condition is only disabling if the conditions of everyday life make it so. Thus, a person using a walker or scooter is wholly able to carry out daily tasks unless they encounter a building that is not equipped to offer them access.

The World Health Organization (WHO) Definition of Disability was developed with this social model in mind;



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## The ACCESSIBILITY ISSUE

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**B**ack in 2008, when we launched the first Accessibility Issue of Hosting, the deadlines for businesses to be in compliance with Ontario's Accessibility for Ontarians with Disabilities Act (AODA) seemed like distant signposts on the road ahead. Now, although the Act will not be fully implemented until 2025, we are quickly approaching the first milestone: the Customer Service Standard. The public sector is already legally required to be able to meet this standard; private and non-profit organizations must comply by January 1, 2012.

Of all industries, ours is already one of the best prepared to meet this challenge. After all, who is better equipped to tailor their services to meet the particular needs of every individual customer than Ontario's restaurants, hotels and motels?

In June of 2010 the Martin Prosperity Institute released a study called *Releasing Constraints: Projecting the Economic Impacts of Increased Accessibility in Ontario*. After examining the potential effects of the AODA, it estimates that if all businesses in the tourism sector meet the requirements of the AODA fully, "Ontario could, within five years, potentially see an increase in tourism expenditures from anywhere

between \$400 million and \$1.6 billion", with total tourism expenditures in the province increasing to between \$22.5 billion and \$23.7 billion.

In this issue you'll find out more about the Customer Service Standard and what it means for you, as well as what ORHMA and our colleagues in the tourism and hospitality sector are doing to help you meet the new requirements. We hope you find this issue both informative and inspiring.

Tony Elenis



President and CEO  
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# Compliant-Ready for January 1, 2012

One Step at a Time

**B**y now, most ORHMA members know the facts: 15.5% of Ontario's population, or nearly 1.85 million people in Ontario, have disabilities. As the population ages, the number will increase, so that by 2021, seniors with disabilities will outnumber those 25 to 64 years of age with disabilities. By 2025, that number is projected to be approximately 1.5 million seniors in Ontario who have disabilities. Royal Bank released findings that indicate people with disabilities represent about \$25 billion in buying power on goods and services in this country annually – a figure that's only likely to rise.

They're also aware that by January 1, 2012, every business and organization in Ontario with one or more employees will have to comply with the Customer Service Standard, the first accessibility standard to become regulation under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). Why January 1, 2012? According to Alfred Spencer, Director of Outreach and Compliance for the Accessibility Directorate of Ontario, "For designated public sector organizations, the

compliance date was earlier, January 1, 2010. They were in a better position to implement and report on compliance since they have been developing annual accessibility plans under the Ontarians with Disabilities Act, 2001 since 2003.

"Private and non-profit organizations were given a later deadline, January 1, 2012, so that they would have more time to plan and incorporate accessibility into their business planning cycle," he says. The thought is that, with the public sector leading the way, the private sector can learn from its examples and experiences.

#### **Background on the AODA and the Customer Service Standard**

The AODA became law in 2005. Its purpose is to remove barriers that may stop a person with a disability (visible and non-visible) from fully taking part in society. Standards Development Committees made up of representatives from the business community, the public sector, the Ontario government and people with disabilities developed proposed standards for consideration by the government.

These proposed standards address customer service, information and communications, employment, transportation and the built environment.

The Customer Service Standard is the first to become law. Businesses with at least one employee will have to comply with it. According to ORHMA's Manager of Government Relations, Michelle Saunders, this is crucial because "becoming accessible, or opening your doors to a whole new segment of the population that may not have had access or equal access to your goods and services before, means you're effectively building your customer base."

She adds: "There is a business case and model for becoming accessible. It's important to remember that when a person with a disability cannot access your goods and services, you're not just leaving them out; their families and colleagues who wish to access your goods and services too are also left out. Hospitality and tourism is a customer service-based business – it's what we do. We're just making sure that more people can access our goods and services."

A recent study by the Martin Prosperity Institute, the Institute for Competitiveness and Prosperity and the Adaptive Technology Resource Centre, titled Releasing Constraints: Projecting the Economic Impacts of Increased Accessibility in Ontario, finds that in the tourism sector "the implementation of the AODA standards could result in an increase in expenditures (receipts) of between \$400 million and \$1.6 billion over five years." Add to that the fact that people with disabilities are also responsible for \$25 billion in customer buying power, and you've got a solid argument for staying in the black through compliance.

Saunders also points out that the AODA is meant to break down barriers for those with visible and non-visible disabilities – for patrons and employees alike. The goal is to have an accessible Ontario by 2025. Full accessibility, according to Saunders, isn't just about serving a customer in a wheelchair. The person in question might be someone within the company workforce whose hearing or vision has lessened over time. As she points out, it's not an "us versus them" scenario because most of us are or will be somewhere on that disability spectrum ourselves.

This is, in large part, why the Customer Service Standard was chosen as the first: it's the biggest area of concern for those in the hospitality and tourism sector and it's attitudinal – it's intended to break down barriers with minimal cost to business owners.

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## What does compliance mean?

As of January 1, 2012, business owners in Ontario must:

- Develop customer service policies, practices and procedures for serving people with disabilities. If for example, you own a coffee shop, your new policy may include that wait staff should read the bill to a customer who is blind or has low vision. Keep a notepad and pen by the cash register so people who are Deaf can write notes to communicate with staff and vice versa.
- Make sure that your policies, practices and procedures are consistent with the principles of independence, dignity, integration and equality of opportunity.
- Have a policy on allowing people to use their own assistive devices (cane, wheelchair, oxygen tank, etc.), service animals and support persons to access your goods and services. Your policy might be very general or may need to be more specific based on your organization's business.
- Communicate with a person with a disability in a manner that takes into account his or her disability and their preferred method of communicating.
- Allow people with disabilities to be accompanied by their guide dog or service animal in areas of your business that are open to the public, unless prohibited by other legislation.
- Permit people with disabilities who rely on a support person to bring that person with them while accessing your goods or services. Where admission fees are charged, post information about what your policy is regarding the fee, if any, that may be charged for the support person of a person with a disability.
- If you offer facilities or services for people with disabilities (such as an elevator or accessible washroom), let people know when they are out of order.
- Train your staff, volunteers and contractors to serve customers with disabilities.
- Let customers with disabilities provide feedback on how you met their needs and establish a process to respond and take action on any complaints.



Saunders says that further regulations, which will require some fiscal investments on the part of business owners, are still down the road.

### What's required in 2012?

In practical terms, here's what the January 1, 2012 deadline means right now: providers of goods and services must have policies and procedures in place that address training, assistive devices, service animals and support persons. Businesses will have to train all staff and volunteers or third party organizations that provide customer service on their behalf (a reservations or marketing group, for example) on how to provide accessible customer service.

Saunders explains, "A lot of hotels have no-pet policies, but guide dogs are not pets. You must allow that guide dog entry into that hotel because that individual relies on the services of that dog. Restaurants have different considerations due to the Health Protection and Promotion Act whereby dogs are not permitted into restaurants. But under this standard, guide dogs are allowed in any area where the public is admitted. They are, however, specifically prohibited from any food prep or kitchen areas."

It should also be noted that if an employer has twenty-plus staff members, there are certain documentation requirements

and a report must be filed with the government. "Policies will have to be documented in places where there are 20 or more staff and available to guests or consumers upon request. This might include putting up a statement on the company's website that says 'Our accessible customer service policy is available upon request,'" explains Saunders.

Those who choose not to comply may face a director's order for compliance and/or pay an administrative penalty, according to Spencer. More importantly however, ORHMA wants business owners to know that the association is able to help members make the transition (see the article "Tools for Compliance" in this issue.)

Saunders adds, "If members require further assistance, the ORHMA office can put them in touch with the appropriate provider who can help. From helping establish and review policies to making sure they're in compliance with the standard, we're connected to other organizations that can help with training as well. Our office can direct them in one of several directions to meet their needs, or provide industry-specific tools to assist our members." Tools and resources to help businesses comply with the Customer Service Standard can also be ordered free of charge through Service Ontario at 1-866-515-2025. ■



according to WHO, "disability is a complex phenomenon, reflecting an interaction between features of a person's body and features of the society in which he or she lives."

This definition was adopted by Statistics Canada when it introduced its Participation and Activity Limitation Survey (PALS), which is "Canada's national survey that gathers information about adults and children whose daily activities are limited by a physical, mental, or other health-

related condition or problem." PALS defines disability as "an activity limitation or participation restriction associated with a physical or mental condition or health problem", but disability must be viewed in a framework that takes into account "the relationship between body structures and functions, daily activities and social participation, while recognizing the role of environmental factors."

### Disability: A Moving Target

Introducing a further level of complexity into the task of defining disability is the fact – familiar to anyone who has ever dealt with chronic pain or recovered from an injury – that the severity of a disability can vary considerably. From year to year, week to week or even hour to hour, a condition like arthritis may range from being extremely limiting to barely perceptible. Also, what one person considers a limitation may not be significant to another; for instance, a professional athlete may view a very slight restriction of movement, not significant to the average person, as profoundly limiting.

PALS relies on self-reported assessments of the degree to which a given physical or mental condition reduces the kind or amount of activity a person can do. Different people will at different times vary in their idea of what they consider to be a reportable disability. Thus, write the authors of *Defining Disability in the Participation and Activity Limitation Survey*, "when a respondent decides to report a disability on a survey such as PALS, the answer is based on that individual's 'threshold of disability' on the continuum rather than an exact 'location'."

PALS classes reported disability into four general classes according to their scores on surveys. These classes cannot be specifically quantified, except to say that "persons in Class 4 have a more severe disability than persons in Class 3", and so on. For practical purposes, the terms "mild" (for Class 1),

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“moderate” (Class 2), “severe” (Class 3) and “very severe” (Class 4) are used in discussing responses from adults.

There are two factors that can clearly be seen to affect reported disability figures. One, known as the “period effect”, has to do with the way social and medical changes affect the way people view their own degree of disability. With medical advances should come a diminishing number of people with disabilities. But as Ontarians come to expect a better level of health care as a normal part of life, they may have higher expectations of their quality of life.

Also, as disability becomes better understood and less stigmatized, one would expect that more people would tend to report themselves as having a disability. In fact, in 2006, 16.5% of Canadians reported having a disability, compared to 14.6% in 2001. The largest increase (from 5.0% to 5.9%) was in the group of those who reported a mild disability.

The second factor is Ontario's aging population. “By 2017 there will be more people over the age of 65 than there will be kids 0 to 14,” says Alfred Spencer, Director of Outreach and Compliance for the Accessibility Directorate of Ontario. According to Defining Disability in the Participation and Activity Limitation Survey, “over one-third (37%) of the increase in total disability rates [2001 to 2006] was due to the age composition of the Canadian population; nevertheless, almost two-thirds (62%) was attributable to the ‘period effect.’”

#### The AODA Definition of Disability

The AODA and the Ontario Human Rights Code use the same definition of disability:

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device
- b) a condition of mental impairment or a developmental disability
- c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language
- d) a mental disorder

- e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act

#### Who is an Ontarian with a Disability?

According to PALS, in 2006, 1,110,610 Ontario adults reported they had disabilities and needed help with everyday activities. In June of 2010 the Martin Prosperity Institute's report entitled *Releasing Constraints: Projecting the Economic Impacts of Increased Accessibility in Ontario* Stated that, among the “large and growing” number of Ontarians with disabilities over the age of 14, “pain, mobility, and agility are the most prevalent types of disabilities.”

But in the final analysis, “We shouldn't be concerned with what an individual person's disability is,” says ORHMA Manager of Government Relations Michelle Saunders. “We should be concerned with how they can access our services.”

“What we normally talk about is barriers that prohibit you from participating in an inclusive way,” says Spencer. “Instead of defining it, I would say making yourself accessible is about social inclusion: the more you make yourself accessible for one person, the more everyone can participate.” ■





## Tools for Compliance

ORHMA and TIAO partner to help members EnAble Change

As Ontario businesses move towards full compliance with the Customer Service Standard under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA), the Ontario government and industry associations like ORHMA are working to make the task easier for everyone. For instance, the government's EnAbling Change Partnership Program is designed to assist "organizations that have the vision, leadership and commitment to improve accessibility by providing funding for projects that will significantly improve accessibility across industries or sectors."

ORHMA has been selected as one of these leading organizations. Together with the Tourism Industry Association of Ontario (TIAO), they have pioneered a project to help businesses in the hospitality and tourism industry develop their own accessible customer service policies and procedures.

"The program is run through the Accessibility Directorate of Ontario, and its specific purpose is to spread information throughout the business community about the requirements that fall under the Customer Service Standard of the AODA," says ORHMA Manager of Government Relations Michelle Saunders.



"ORHMA and TIAO both have separate projects and separate contracts with the government, but they are integrally linked," Saunders continues. "Our project is multi-fold. We are starting with information sessions that are being held throughout the province to raise awareness within the hospitality and tourism industry, to let people know about the Customer Service Standard and to provide them with information that will help them meet the standard." TIAO and ORHMA have developed a joint presentation "so regardless which version members get, it's the same information," she explains.

ORHMA is also collecting interviews with members who currently have customer service policies and procedures in place that specifically address people with disabilities. "From these interviews, we are going to be developing case studies and industry best practices," Saunders says. "The purpose of this is to give our members food for thought, to help them find out what's out there and to learn what's already effective." The case studies will be made available as of late spring 2011.

ORHMA is working to produce tools and resources – including template policies for hotels, restaurants and tourism operators – that will assist businesspeople to understand and meet their obligations under the Customer Service Standard.

As for TIAO's components, "we're raising awareness of the Customer Service Standard that comes into effect on January 1, 2012," says TIAO President Beth Potter. "We've also contracted with the Ontario Tourism Education Corporation (OTEC), and they're delivering training on how to comply with the standard. "These workshops are designed to help businesses come into compliance with these new policies that they will have to put in place, to better their businesses, and do this inexpensively."

TIAO has also created a dedicated website, [www.accessibletourismwebsite.com](http://www.accessibletourismwebsite.com), which will provide resources for hospitality and tourism business owners and operators to assist them in complying with the Customer Service Standard. (Further information is also available at [www.orhma.com](http://www.orhma.com) and [www.ontario.ca/AccessON](http://www.ontario.ca/AccessON).)

"It is our intent and our goal that with both the ORHMA and TIAO together, operators will understand first and foremost that the Customer Service Standard is out there and places obligations on all business and all operators," says Saunders. "We want to ensure that our members understand what their obligations are and how to come into compliance."

But members are not being left to achieve this on their own, she says. "We think that, between the two associations, by the end of the project we will have developed a comprehensive set of tools and resources to help operators come into compliance."

"We haven't been able to do this without great collaboration within the industry," Potter points out. "So many of the tourism sector associations, including ORHMA, have really helped us get the word out to their members, and thanks to the EnAbling Change Partnership Program we have been provided with the funding to help us carry out this great project."

"Beyond there being legal requirements for businesses to do this, and beyond its being the right thing to do, this is the heart of the business: the tourism industry is about customer service," Saunders says. "By complying with the AODA, you are simply broadening your customer base and opening your doors to a larger proportion of the population." ■



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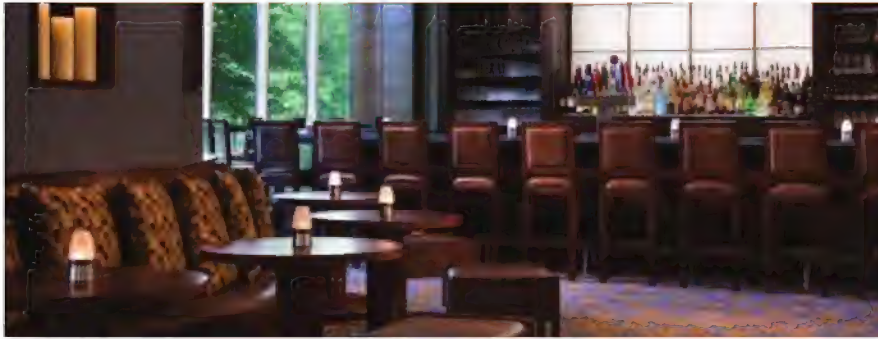
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The Starwood Hotels and Resorts' corporate website page states: "With our commitment to pacesetting innovation, lifestyle-focused design, signature services and building strong traveler loyalty, Starwood continues to reshape perception among guests — and developers — demonstrating just how rewarding the hotel experience

can be." Combined with the kinds of training, policies and procedures the company is currently undertaking in preparation for the January 1, 2012 Customer Service Standard compliance date, their hope is that the hotel experience will be even more rewarding for those with disabilities: guests and employees alike.

"As part of our ongoing commitment to our guests and associates, 2012 compliance is part of our HR and Operational focus to ensure a welcoming, barrier-free environment," explains Cynthia Bond, Director PR & Partnerships Canada at Starwood Hotels and Resorts. She adds: "We recently created a Starwood Canada Employee Equity Committee, and one of the four designated groups is persons with disabilities. The Employee Equity Committee is currently undertaking a detailed review of all policies and practices; by the end of May, will have made recommendations in this regard. It's part of our ongoing commitment to our associates and our guests."

Bond says that this detailed review of operations, enhancing protocols and amending any guest or associate procedures in this arena, will allow the company to be at the peak of its game as a top-tier hospitality services provider. The company's goal is to work with its partners to market itself as a hospitality leader.

Bond explains, "For Starwood, accessibility and diversity are paramount. As service providers, our objective is to consistently exceed the needs and expectations of guests and clients."

By focusing on accessibility and engaging their staff in a review of policies and focusing on the guest experience Starwood will be well-positioned to comply with the Customer Service Standard in January. ■



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# Woodbine Entertainment

Hospitality spotlight on accessible customer service



**“We are never satisfied with the status quo here.”**

*Jane Holmes, Vice President, Corporate Affairs, Woodbine Entertainment*

**P**roviding accessible customer service is nothing new for Woodbine Entertainment. In 2005 Woodbine embarked on a major strategic plan that incorporated Service Excellence; a unique program that includes making accessible customer service a priority for all of their staff and patrons.

“We have been focusing on inclusive customer service for the past 6 ½ years” says Jane Holmes, Vice President of Corporate Affairs, “even before the AODA. You can obtain a lot of information by just observing your customers, approaching them, and asking how to make things easier for them.”

“Woodbine’s training philosophy is simple; we teach the staff to view situations from the perspective of the customer”,

explains Pamela Berger, Director of Guest Services and a key player in the development and delivery of Woodbine Entertainment’s Service Excellence program.

Woodbine continually offers training that involves all levels of staff and numerous departments. One of their approaches is to use real life examples and debrief these situations. One example referenced was a situation where a customer brought her dog with her in her vehicle to Woodbine. The dog was outside the vehicle in a restricted area close to the horses. Security staff approached the customer from behind and started speaking to her asking her to move the dog away from the horses; however, she appeared to be ignoring the security guards. It was finally discovered that the customer was deaf and this was her working dog. The customer had not heard the requests from security. Once staff was aware that the customer was deaf, they were able to accommodate her needs. Pamela has utilized this experience as an opportunity to educate her team and uses this as one of the examples when providing customer service training.

“This is one of the scenarios we use during role playing to educate staff about visible and non-visible disabilities. Our staff now understand that if someone is not responding in a manner that we would expect, then perhaps there is more to the situation, such as the inability to hear, see or understand” ■

## Profile Notes

**Type of Establishment:** Entertainment Facility

**Number of Employees:** 2,300 fulltime and part time employees

**Location(s):** Woodbine Racetrack, Mohawk Raceway, Turf Lounge, Champions Off Track Wagering, Greenwood Off track Wagering, and Horse Player Interactive, Turf Lounge and Wegz Stadium bar



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